

ASSEMBLY BILL

No. 809

Introduced by Assembly Member La Suer

February 18, 2005

An act to add Section 679.031 to the Penal Code, relating to victims of crime, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 809, as introduced, La Suer. Victim notification.

Existing law provides that the Department of Corrections is responsible for notifying victims of specified crimes of an offender's release from its custody.

This bill would require the department to establish an automated victim notification system that automatically notifies a registered crime victim when a committed offender is transferred, is given a different security classification, is released temporarily, is discharged, or has escaped, and would allow a crime victim to receive the most recent status report for an offender by calling the system via a toll-free telephone number. This bill would provide that notification of a crime victim by this system would satisfy requirements under other provisions of law requiring the department to provide notice to victims, as specified.

This bill would also create the Automated Victim Notification System Fund and appropriate \$500,000 from the General Fund to that fund to be used by the department for implementation of the automated victim notification system.

Because this bill would require local officials to perform new duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 679.031 is added to the Penal Code, to
2 read:
3 679.031. (a) The Department of Corrections shall establish an
4 automated victim notification system that does all of the
5 following:
6 (1) Automatically notifies a registered crime victim when a
7 committed offender:
8 (A) Is transferred or assigned to another facility.
9 (B) Is transferred to a facility not operated by the department.
10 (C) Is given a different security classification.
11 (D) Is released temporarily or otherwise.
12 (E) Is discharged.
13 (F) Has escaped.
14 (2) Permits a crime victim to receive the most recent status
15 report for an offender in the custody of the department by calling
16 an automated victim notification system via a toll-free telephone
17 number.
18 (b) The department shall ensure that the offender information
19 contained in the automated victim notification system is updated
20 frequently enough to timely notify a victim that an offender has
21 been released, discharged, or has escaped. However, the failure
22 of the automated victim notification system to provide notice
23 does not establish a separate cause of action by the victim against
24 the state or the department.
25 (c) The notification of a crime victim by the automated victim
26 notification system shall satisfy the duty of the department and
27 local law enforcement to provide notice to a victim pursuant to
28 Section 646.92, 679.03, 3053.2, or 3058.8.

1 (d) Local law enforcement shall cooperate with the department
2 in establishing and maintaining the automated victim notification
3 system.

4 (e) The department shall administer the automated victim
5 notification system, the costs of which shall be paid from the
6 Automated Victim Notification System Fund, which is hereby
7 created.

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

13 SEC. 3. The sum of five hundred thousand dollars (\$500,000)
14 is hereby appropriated from the General Fund to the Automated
15 Victim Notification Fund to be used by the Department of Justice
16 for implementation of the automated victim notification system
17 described in Section 679.031 of the Penal Code.